

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MISSOURI PRIMATE FOUNDATION,)

et al.,)

Plaintiffs and Counter-Defendants,)

vs.)

Case No. 4:16 CV 2163 CDP

PEOPLE FOR THE ETHICAL)

TREATMENT OF ANIMALS, INC.,)

et al.,)

Defendants and Counter-Plaintiffs.)

ORDER

At the telephonic hearing held on the record today, I directed counsel to meet and confer and attempt to resolve or narrow their existing discovery disputes, and to file a status report as set out herein. I also directed them to forgo filing of additional motions unless some unforeseen emergency arises until after I have received and reviewed their status report. Accordingly,

IT IS HEREBY ORDERED that the deadlines set in the Amended Case Management Order [ECF # 54], including the trial setting of May 13, 2019, are VACATED and will be reset by a later order.

IT IS FURTHER ORDERED that counsel for PETA and counterclaim defendant Connie Braun Casey shall meet and confer and attempt to resolve or narrow as many of their current disputes as possible, including, but not limited to:

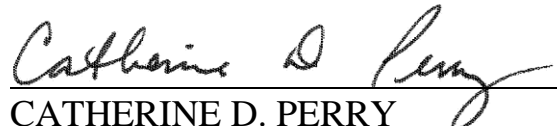
additional production or supplementation of discovery by Casey, dates for Casey's deposition, and an inspection of the Missouri Primate Foundation facility, and a new schedule for completion of the remaining steps necessary for this case to proceed to trial; these parties should also discuss whether their disputes have any chance of being resolved through settlement.

IT IS FURTHER ORDERED that not later than **Friday, October 12, 2018**, counsel shall file a joint report setting out the results of their discussions set out above, including a proposal for the schedule going forward; if the parties cannot agree, the joint filing should set out each side's position.

IT IS FURTHER ORDERED that counsel for PETA and for counterclaim defendant Andrew Sawyer shall meet and confer to discuss whether their disputes have any chance of being resolved through settlement. If they conclude that no resolution is possible, counsel for PETA shall file no later than **Friday, October 12, 2018**, a proposal for an adverse inference to be drawn at trial as a result of Sawyer's assertion of his rights under the Fifth Amendment; such filing will be considered by the court only as an alternate possibility, and will **not** be deemed to forfeit PETA's arguments for default judgment previously made with regard to this defendant. The statement should also state whether Sawyer is agreeable to the schedule jointly proposed by Casey and PETA in the event PETA's motion for default judgment against Sawyer is denied.

IT IS FURTHER ORDERED that, as counsel for PETA have indicated that they have resolved their disputes with counterclaim defendant Vito Stramaeglia, counsel for PETA shall file, no later than **Friday, October 12, 2018**, documents sufficient to resolve the case against Stramaeglia, whether through stipulation for dismissal, consent decree, motion to dismiss, or some other appropriate document.

IT IS FURTHER ORDERED that Casey's motion for extension of time [113] is granted to the extent that Casey shall file responses to the Motion to Compel Inspection and Second Motion to Compel discovery no later than **October 19, 2018**.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 11th day of September, 2018.